

**REMARKS**

This amendment accompanies the concurrently submitted Request for Continued Examination (RCE). The amendments to the claims improve the clarity of pending claims, remove the “capable of” phraseology of the claims objected to by the examiner in the Advisory Action dated February 15, 2005, and further specify that the suitable promoter for the claimed invention is a heart-specific promoter.

Applicants respectfully submit that the claim amendments do not raise any issues of new matter and are fully supported by the application as originally filed. These amendments do not in any way indicate that applicants acquiesce to the asserted grounds of claim rejections but are submitted for the purpose of expediting prosecution and allowance of the pending application.

It is further respectfully submitted the above claim amendment now places all claims in condition for allowance. Applications earnestly solicit an early indication from the Examiner to the effect. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #029065.48487).

Respectfully submitted,

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